REMARKS/ARGUMENTS

In view of the foregoing amendments and the
following remarks, the applicant respectfully submits
that the pending claims comply with 35 U.S.C. § 112, are
not anticipated under 35 U.S.C. § 102 and are not
rendered obvious under 35 U.S.C. § 103. Accordingly, it
is believed that this application is in condition for
allowance. **If, however, the Examiner believes that there
are any unresolved issues, or believes that some or all
of the claims are not in condition for allowance, the
applicant respectfully requests that the Examiner contact
the undersigned to schedule a telephone Examiner
Interview before any further actions on the merits.**

The applicant will now address each of the issues
raised in the outstanding Office Action.

Objections

Claims 5 and 6 are objected to because they recite
"a switch", which already has precedence in claim 1.
Since claim 1, as amended, no longer recites "a switch",
this objection to claims 5 and 6 should be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 4-6, 8 and 9 stand rejected under 35 U.S.C.
§ 112, second paragraph. In particular, the Examiner
notes that these claims recited "restriction of the
process" but noted that in claim 1, from which these
claims depend, the processing is not restricted, but

rather the instruction from a switch, input by a user, is restricted. The applicant respectfully requests that this ground of rejection be withdrawn in view of the amendments to claims 1, 5, 6, 8 and 9, as well as the cancellation of claim 4.

Rejections under 35 U.S.C. § 102

Claims 1 and 4-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,491,628 ("the Kobayashi patent"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

In restricting the zoom function in the present application, not only is the operation restricted, but the fact that the zoom operation cannot be made is also conveyed to the user via the operation panel. The unavailablity of an operation may be conveyed to the user by preventing the display of the operation, and/or by actively displaying the unavailablity of the operation. For example, the specification of the present application states, in pertinent part:

> In this case, when the optional board 7 is loaded, the CPU 44 controls the selector 49 so that a contact that selects the connection to the optional board 7, that is, a contact b will conduct. Moreover, when the optional board 7 is unloaded, the key entry to be achieved using a certain button or key of a front panel 50 or the keyboard 9 is invalidated, *or an LED indicating a certain feature is turned off*.

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Moreover, *a menu item included in a menu to be displayed* with the press of a Menu key included in the keyboard 9 *is, for example, hatched in order to disable designation of the feature that is implemented on the optional board 7. The hatching informs a user of the fact that the feature is invalid.* [Emphasis added.]

Page 14, line 2 et seq. The specification also states:

Incidentally, Fig. 6 shows an example of settings determined with the optional board 7 loaded. *When the optional board 7 is unloaded, a menu item concerning an extension feature to be implemented on the optional board 7,* for example, a menu item concerning calculation of an IHb value *is, for example, hatched in order to prevent specification of any value in the item. Owing to the hatching, a user readily gets aware of the fact that the feature is invalid.* [Emphasis added.]

Page 27, line 14 et seq. Finally, the specification also states:

An **LED** located above the Enlarge switch 50a on the front panel 50 *is left unlit in order to inform that electronic zooming is disabled. Moreover, an enlargement ratio is not presented on the monitor screen. Fig. 9 shows the monitor screen. As shown in Fig. 9, Z denoting the electronic zooming magnification is not displayed.*

The CCD 27 of type 2 does not support electronic zooming. Therefore, the **LED** located on the front panel 50 *is left unlit in order to inform that*

> *electronic zooming is disabled.*
> *Moreover, an enlargement ratio is not*
> *presented on the monitor screen.*
> [Emphasis added.]

Page 32, line 3 et seq.

Independent claims 1 and 10 have been amended to more clearly recite this aspect of the present invention.

In the Kobayashi patent, the user may use a keyboard to enter and send their instruction. However, the Kobayashi patent does not indicate (e.g., preclude the display of, and/or actively display) which operation is invalidated in accordance with the type of CCD.

Thus, independent claims 1 and 10, as amended, are not anticipated by the Kobayashi patent for at least this reason. Since claims 5-9 depend, either directly or indirectly from claim 1, these claims are similarly not anticipated by the Kobayashi patent.

Rejections under 35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kobayashi patent. The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner contends that dividing the signal processing unit of the Kobayashi patent into a main board and an expansion board would have been obvious to one skilled in the art. Even assuming, arguendo, that this is true, this would not compensate for the deficiencies of the Kobayashi with respect to claim 1 mentioned above.

Since claim 3 depends from claim 1, it is therefore not rendered obvious by the Kobayashi patent.

New claims

New claim 11 depends from claim 1 and recites subject matter canceled from claims 5 and 6.

New claims 12 and 13 depend from claim 1 and further define the claimed invention over the Kobayashi patent.

New claim 14 is similar to previously presented claim 1, but further recites that the restricting portion restricts an instruction, from a switch, input by a user *based solely on the type of solid-stage imaging device detected by the detector*. In particular, the present application teaches a restriction portion of an electronic endoscope wherein electronic zooming of an image captured by the endoscope is restricted *according to the type of solid state imaging device of the endoscope detected by a detector*. For instance, given an image taken by an endoscope comprising a CCD of low pixel count as detected by the detector, embodiments consistent with the present invention have restricting means that would prevent the zooming/enlargement of the image as such an enlargement would result in a coarse image due to low pixel count. On the other hand, the Kobayashi patent teaches a restriction portion of an electronic endoscope wherein zooming/enlargement is restricted *according to a user selected/defined area to be enlarged* within the image. More specifically, in the Kobayashi patent, the user of the electronic endoscope may select a specific area of an image to be enlarged using a pointer. However, when the pointer specifies a location that would

cause the area to extend beyond a border of an image, the endoscope may restrict image enlargement. (See, e.g., col. 10, lines 5-25.) Nowhere does the Kobayashi patent teach a restriction portion of an electronic endoscope wherein electronic zooming of an image captured by the endoscope is restricted **based solely on** the type of solid state imaging device of the endoscope detected by a detector. Although the Kobayashi patent teaches a detector detecting the CCD type, it does not teach restricting enlargement of an image **based solely on** the detected CCD type. In the Kobayashi patent, enlargement is restricted according to the user selected area to be enlarged, <u>not</u> based solely on the CCD type. The Kobayashi patent may apply downsampling (normal mode) or interpolation (zooming mode) operations based on the CCD resolution and the monitor resolution, but these are <u>not</u> operations instructed by user input. In the Kobayashi patent, the resolution of the CCD may have some impact on zooming, but for a given CCD, a zooming operation can be allowed or restricted depending on whether user selected area extends beyond a border. Therefore, whether to restrict or allow zooming is <u>not</u> **based solely on** a detected CCD type.

Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Respectfully submitted,

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CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **March 14, 2006** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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